

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, et al.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her capacity as Monmouth County Clerk, et al.,

Defendants.

Civil Action No. _____

ORDER TO SHOW CAUSE

THIS MATTER, having come before the Court on Plaintiffs' Motion for a Preliminary Injunction, and the Court having reviewed the Motion, the Verified Complaint with Exhibits, supporting brief, expert reports, and declarations submitted in support of the motion, and the Plaintiffs having further filed an Emergency Application for the entry of a briefing schedule and the scheduling of appropriate dates for adjudication of the Order to Show Cause, the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show, and for good cause shown.

IT IS on this _____ day of _____, 2024,

ORDERED THAT:

1. Plaintiffs' application is granted.
2. All Defendants shall appear and show cause on the _____ day of _____, 2024, before the undersigned Judge of the United States District Court for the District of New Jersey, at the U.S. Courthouse, at _____ o'clock in the _____ noon, or as soon thereafter as counsel can be heard, why an Order should not be entered, directed to Defendants

and each of them; their officers, agents, servants, employees, and attorneys as follows (collectively, “Defendants”), with regard to the June 4, 2024 New Jersey Primary Election:

A. Enjoining Defendants from preparing, disseminating, using, displaying, or counting any ballot, in any form, whether on paper or electronic, that:

1. Is designed by columns or rows, rather than by office sought;
2. positions candidates on the ballot automatically based upon a ballot draw among candidates for a different office;
3. places candidates such that there is an incongruous separation from other candidates running for the same office;
4. places candidates underneath another candidate running for the same office, where the rest of the candidates are listed horizontally, or to the side of another candidate running for the same office, where the rest of the candidates are listed vertically; and
5. bracketing candidates together on the ballot such that candidates for different offices are featured on the same column (or row) of the ballot;

B. Enjoining Defendants from conducting draws for ballot positions that do not include a separate drawing for every office and candidate, and where every candidate running for the same office has an equal chance at the first ballot position;

C. Requiring the Defendants to use a ballot for all voters, whether mail-in, at a polling site, or otherwise, that is organized by office sought (commonly known as a “office-block ballot,”) rather than by column or row, and which implements for each office on the ballot, a randomized ballot order system (e.g. random draw) which affords each candidate for the same office an equal chance at obtaining the first ballot position;

D. Providing that the Court retains jurisdiction of this matter for the purpose of ensuring compliance;

E. Waiving any requirement to post bond or security under Fed. R. Civ. P. 65(c); and

F. Granting such other and further relief as is just and proper.

AND IT IS FURTHER ORDERED THAT:

1. A copy of this Order to Show Cause, Motion for a Preliminary Injunction, Verified Complaint with Exhibits, supporting brief, expert reports, declarations submitted in support of the motion, and Plaintiffs's Emergency Application for the entry of a briefing schedule, together with a summons, shall be served upon the Defendants within _____ days of the date hereof, in accordance with FRCP.

2. The Plaintiffs must file with the Court its proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

3. Defendants shall file and serve a written response to this Order to Show Cause and Plaintiffs' Motion for Preliminary Injunction, with proof of service, by _____, 2024. Defendants must send a courtesy copy of their opposition papers directly to the undersigned Judge at his or her Chambers address.

4. Applications for intervention, with supporting papers, are due by _____, 2024.

5. The Plaintiffs must file and serve any written reply in further support of the Order to Show Cause and their Motion For Preliminary Injunction by _____, 2024. Plaintiffs must send a courtesy copy of their opposition papers directly to the undersigned Judge at his or her Chambers address.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three days prior to the return date.

7. If the Plaintiffs have not already done so, a proposed form of Order addressing the relief sought on the return date must be submitted to the Court no later than three (3) days before the return date.

8. The Court will notify the parties whether it will entertain argument on the return date of the Order to Show Cause in accordance with Local Civil Rule 78.1.

, U.S.D.J.